

REMARKS

Applicant has amended claim 1 and canceled claims 2-4. New claims 67-69 have been added. These changes have been made to place the claims in better form for examination and to further obviate the 35 U.S.C. §§102(e) and 103(a) rejections as set forth in the Office Action dated August 15, 2005. It is believed that none of these amendments constitute new matter. It is submitted that these amendments obviate the rejections. Withdrawal of these rejections is respectfully requested.

The Examiner has rejected claims 1-5 under 35 U.S.C. 102(e) as being anticipated by Waterhouse et al. (U.S. 6,423,885). Applicant's invention does not require a 3' untranslated region nor does it require a self cleaving ribozyme. In contrast, Waterhouse et al. requires a chimeric DNA construct consisting of a 3' untranslated region and a self-cleaving ribozyme. Therefore, Waterhouse et al. does not anticipate Applicant's invention.

The Examiner has rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Waterhouse et al. in view of Taira et al. Applicant's invention does not require a 3' untranslated region nor does it require a self cleaving ribozyme. In contrast, Waterhouse et al. requires a chimeric DNA construct consisting of a 3' untranslated region and a self-cleaving ribozyme. Applicant's invention does not require a self cleaving ribozyme. In contrast, Taira et al. requires a trans-acting ribozyme flanked by 5' and 3' self-cleaving cis-acting ribozymes. Therefore, it would not be obvious to one of ordinary skill in the art of molecular biology to combine Waterhouse et al. with Taira et al. to arrive at the claimed invention.

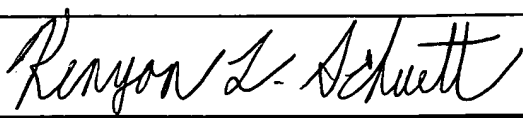
In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §§102(e) and 103(a). Reconsideration of this application and an early notice of allowance are respectfully requested.

Application No. 09/921,068

Amendment dated December 15, 2005

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